

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

MARK GARNES,

Plaintiff,

-v-

PRITCHARD INDUSTRIES, INC.,

Defendant.

CIVIL ACTION NO. 23 Civ. 6699 (PAE) (SLC)

**ORDER**

**SARAH L. CAVE**, United States Magistrate Judge:

On November 2, 2023, Defendant Pritchard Industries, Inc. (“Pritchard”) filed a motion to dismiss the Complaint of pro se Plaintiff Mark Garnes (“Mr. Garnes”). (ECF No. 9 (the “Motion”)). On November 27, 2023, Mr. Garnes moved for an extension of time in which to respond to the Motion. (ECF No. 16). On December 1, 2023, the Court granted Mr. Garnes’ request, and extended to December 15, 2023 his deadline to respond to the Motion. (ECF No. 17). To date, Mr. Garnes has not opposed the Motion, although his deadline to do so passed 18 days ago. On December 27, 2023, Pritchard filed a letter requesting the Court deem the Motion unopposed. (ECF No. 18).

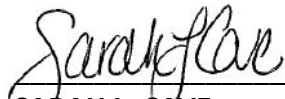
Given Mr. Garnes’ pro se status, the Court will afford him one final opportunity to respond to the Motion, and orders as follows:

1. By **January 19, 2024**, Mr. Garnes shall file a response to the Motion. Mr. Garnes is warned that **the failure to file a response to the Motion will result in the Court ruling on the Motion based on Defendant’s submissions alone and may result in the Court granting the Motion and dismissing and/or staying all or part of this action, with or without prejudice.**

2. If Mr. Garnes files a response to the Motion by January 19, 2024, Pritchard shall file its reply, if any, by **February 2, 2024**.
3. Pritchard's request at ECF No. 18 for the Court to deem the Motion unopposed is  
  
DENIED WITHOUT PREJUDICE.

Dated: New York, New York  
January 2, 2024

SO ORDERED.

  
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**SARAH L. CAVE**  
United States Magistrate Judge